

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

CARINA CANAAN and LEVI LANE, §
§
Plaintiffs, §
§
v. § Civil Action No. 16-CV-132
§
City of El Paso, §
§
Defendant. §

DEFENDANT'S MOTION TO ABATE DISCOVERY

COMES NOW, the Defendant, The City of El Paso, by counsel, and hereby moves the Court to abate discovery in this matter. In support of this motion, the Defendant respectfully states as follows:

On June 6, 2016, the Defendant, City of El Paso, filed its “Rule 12(b)(6) Motion to Dismiss.” DN-6. On June 20, 2016, the Plaintiffs filed their Response. DN-9. No reply was filed by the Defendant. The Defendant’s Rule 12(b)(6) motion to dismiss is currently pending before the Court.

On August 1, 2016, the parties met for their Rule 26(f) conference. Per Rule 26(a)(1)(C), the Defendant’s initial disclosures are now due by August 15, 2016. The Defendant argues that it should not be put to the burden and expense of providing initial disclosures when this matter may be dismissed per its Rule 12(b)(6) motion. The Defendant asks that discovery in this matter be abated unless and until such time as this Court denies its Rule 12(b)(6) motion. If said Rule 12(b)(6) motion is granted, the issue of discovery will be moot.

WHEREFORE, the Defendant, The City of El Paso, asks that discovery in this case be ABATED until further order of this Court.

Respectfully Submitted,

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Date: August 4, 2016.

By:/s/ Oscar G. Gabaldón, Jr.
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CERTIFICATE OF SERVICE

We hereby certify that on the above date, we electronically filed the foregoing pleading with the Clerk of Court using CM/ECF which will send notification of such filing to the following:

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